RCMP External Review Committee

2009-2010

Departmental Performance Report

The Honourable Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety

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CHAIR'S MESSAGE

As Chair of the RCMP External Review Committee (ERC), it is my pleasure to deliver this report of the progress it has made toward its expected results. The information contained in this year's report demonstrates that the ERC has embraced the concept of continual improvement and the public service's modern mechanisms for measuring and reporting on it.

The ERC's role is to conduct impartial and independent reviews of RCMP labour relations cases. Its aim is to positively influence the manner in which labour relations issues are addressed within the RCMP. This contributes to the confidence and trust that Canadians put in the administration of the Force, knowing that principles of fairness and statutory compliance are upheld in a transparent and credible manner.

It must be stated that the ERC is a uniquely small organization relative to most organizations with similar functions and to the greater federal public service in general. In addition to myself, the ERC is staffed by five public servants indeterminately. Three additional staff have been appointed temporarily for as long as resources are available to retain them. I am appointed by Cabinet. I am the sole member of the ERC, and thus I am the only individual who has the authority to reach findings and to make recommendations to the Commissioner of the RCMP - the essence of the ERC's statutory mandate.

In addition to reporting its findings and recommendations to the Commissioner of the RCMP, the ERC also takes pains to ensure that its reports are accessible to all those who have an interest in resolving member grievances and appeals through rational decisions that will stand the test of judicial review by the Federal Court. To that end, the ERC has made excellent use of online web-based technology to allow researchers, members and decision makers to search for past findings and recommendations as well as Commissioners' decisions and precedential case law. The ever-increasing traffic on the ERC's website is a testament to its ability to design a utility that benefits Canadians at minimal cost.

I am pleased that the ERC has been able to make effective use of the resources entrusted to it.

Catherine Ebbs
Chair

SECTION I: DEPARTMENTAL OVERVIEW

Raison d'être

The RCMP External Review Committee (ERC) is an independent federal tribunal that helps to ensure fair and equitable labour relations within the Royal Canadian Mounted Police (RCMP) . The ERC does this by conducting thorough impartial reviews of certain types of grievances, disciplinary appeals, as well as discharge and demotion appeals.

The ERC's reviews contribute to transparency, fairness, and impartiality in RCMP labour relations processes for regular and civilian members. The ERC's jurisdiction is restricted to regular members and civilian members only. Public servants employed by the RCMP have a separate labour relations process.

As one of two oversight/review bodies over the RCMP (the other being the Commission for Public Complaints Against the RCMP (CPC)), the ERC plays an important role in maintaining public confidence in the RCMP and ensures that it respects the law and human rights.

For more information on the ERC, visit the website at: www.erc-cee.gc.ca.

Responsibilities

The ERC was established in 1988 under Part II of the *Royal Canadian Mounted Police Act* with a distinct mandate. Its role is to conduct impartial and independent reviews of RCMP labour relations cases. These cases include grievance reviews in areas such as harassment, travel entitlements and relocation as well as appeals involving disciplinary measures, discharge and demotion.

Once a review is completed, the ERC provides its findings and recommendations on the case to the Commissioner of the RCMP. The ERC provides findings and recommendations only. The Commissioner of the RCMP takes the final decision and should the decision not follow the ERC's recommendations, the law requires that the Commissioner give reasons for not doing so.

In addition, the ERC engages in outreach activities designed to educate the RCMP and the public about its activities. The ERC issues a quarterly *Communiqué* and maintains a website (www.erc-cee.gc.ca) that includes summaries of all cases that the ERC has reviewed as well as articles of interest.

Strategic Outcome and Program Activity Architecture

Strategic Outcome
The Royal Canadian Mounted Police External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the Royal Canadian Mounted Police
Program Activity 1 - *Independent and impartial case review*
Description: The ERC Chair can dispose of matters referred to the ERC by the RCMP either on the basis of the material in the record or following a hearing. In conducting its review of matters referred to it, the ERC attempts to achieve timeliness and quality in its recommendations, and a balance amongst the many complex and different interests involved. It strives to ensure that the principles of administrative and labour law are respected and the remedial approach indicated by the *RCMP Act* is followed. In each case, the ERC must consider the public interest and ensure that members of the RCMP are treated in a fair and equitable manner.
Program Activity 2- *Outreach and information dissemination*
Description: The ERC ensures that its findings and recommendations in each case are clearly explained for the parties and the RCMP Commissioner. Summaries of the findings and recommendations in each case, as well as articles of interest on the role of the ERC, relevant legal principles and information on related issues, are distributed widely. Communication and outreach tools include: a quarterly publication (*Communiqué*), including the most recent case summaries, updates, and legal principles; a website with timely inclusion of publications and case summaries; the annual report and other government accountability documents; and presentations, meetings, training and other outreach activities.
Program Activity 3 - *Internal Services*
Description: Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those specifically to a program. Internal services are very important and support all program activities and priorities of the ERC. However due to the unique size of the ERC and the overlap of financial and human resources in the conduct of this activity and the costs associated with the regular reporting on this activity, the ERC has sought and received a temporary reporting exemption from the Treasury Board Secretariat.

Summary of Performance

2009-10 Financial Resources ($ thousands)

Planned Spending	Total Authorities	Actual Spending
1,074	1,969	1,614

2009-10 Human Resources (FTEs)

Planned	Actual	Difference
8	8	0

Strategic Outcome: The Royal Canadian Mounted Police External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the Royal Canadian Mounted Police		
Performance Indicators	**Targets**	**2009-10 Performance**
Issuance of findings and recommendations to the RCMP Commissioner and the parties	100%	Maintained 100% performance level
Information to the public and the RCMP	100%	Maintained 100% performance level

($ thousands)

Program Activity	2008-09 Actual Spending	2009-10[1]				Alignment to Government of Canada Outcomes
		Main Estimates	Planned Spending	Total Authorities	Actual Spending	
Independent and impartial case review	1,191	859	859	1,575	1,457	Well-managed and efficient government operations
Outreach and information dissemination	202	215	215	394	157	A transparent, accountable and responsive federal government
TOTAL	**1,393**	**1,074**	**1,074**	**1,969**	**1,614**	

[1] Commencing in the 2009-10 Estimates cycle, the resources for Program Activity: Internal Services is displayed separately from other program activities; they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by Program Activity between fiscal years. As a result of its experience in attempting to meet the reporting requirements, the ERC determined that the uniquely small size of the organization made the reporting of this Program Activity particularly inaccurate. The related expenditures could not be reliably apportioned between program activities without an inordinate expenditure of resources. Treasury Board agreed with the ERC's assertion. As such, the ERC has been granted an exemption until the end of the 2010-11 fiscal year from reporting on financial commitments to Internal Services as a separate Program Activity.

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Status	Linkages to Strategic Outcome
Continue to deliver on statutory mandate	ongoing	Met all - strategic deployment of its resources has permitted the ERC to conduct reviews unabated	Strategic Outcome 1 and Program Activity 1
Raising awareness through outreach	ongoing	Met all - outreach activities were accomplished through alternative means using a combination of print and digital technology in order to maintain visibility and to share information and knowledge	Strategic Outcome 1, and Program Activity 2
Management Priorities	**Type**	**Status**	**Linkages to Strategic Outcome**
Continue to improve on the corporate management framework and infrastructure	ongoing	Met all - Management Accountability Framework (MAF) was successfully completed - Memorandum of Understanding was put in place - all positions properly classified	Strategic Outcome 1 and Program Activity 1 and 2
Continue to invest in our people	ongoing	Met all - continuing professional development delivered - employee engagement enhanced and maintained - acting opportunities provided	Strategic Outcome 1 and Program Activity 1 and 2

Risk Analysis

The ERC's successes this year are a reflection of its ability to continue to retain operational staff despite the determinate nature of the appointments it can offer in light of the temporary nature of the increases to its spending authorities. This year, the ERC lost staff for a variety of reasons, but not necessarily associated with the determinate nature of its funding. However staffing mitigation strategies permitted the ERC to attract highly qualified, and experienced staff which allowed its processes to proceed with relatively little interruption.

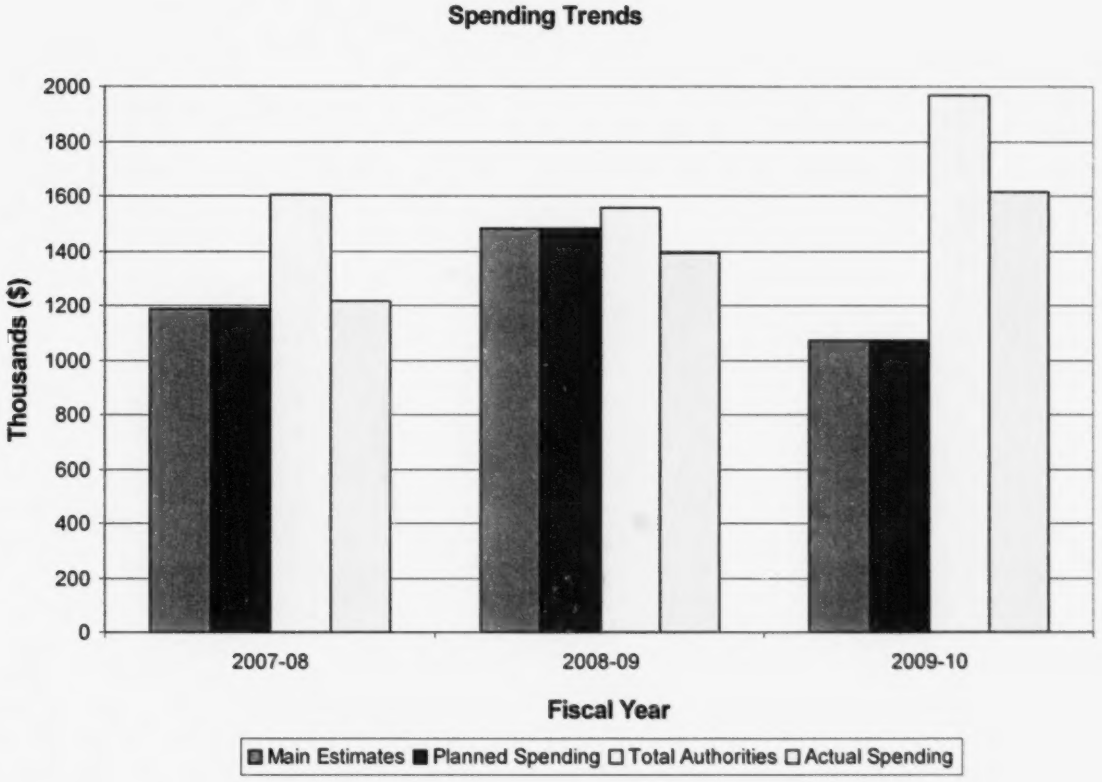
Staffing and retention continue to be the principal threat to the ERC's achievement of its program activity targets which is the reason that it has focussed efforts in this area. The positive results of maintaining this focus have been encouraging.

Expenditure Profile

The receipt of a temporary increase in spending authorities contributed to the ERC's success in achieving its targets. Staffing determinate positions in an uncertain environment led to a lag in spending evident in the chart below.

($ thousands)

Fiscal Year	Planned Spending	Total Authorities	Actual Spending
2007-08	1,192	1,606	1,214
2008-09	1,485	1,559	1,393
2009-10	1,074	1,969	1,614



Voted and Statutory Items

($ thousands)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2007-08 Actual Spending	2008-09 Actual Spending	2009-10 Main Estimates	2009-10 Actual Spending
65	Operating expenditures	1,062	1,234	953	1,476
(S)	Contributions to employee benefits plans	152	159	121	138
Total		1,214	1,393	1,074	1,614

As indicated above, actual spending increased in 2009-10 further to temporarily increased authorities in order to meet statutory obligations.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome

The 2009-10 Report on Plans and Priorities has one strategic outcome:

> *The Royal Canadian Mounted Police External Review Committee aims to positively influence the manner in which labour relations issues are addressed within the Royal Canadian Mounted Police.*

To achieve its strategic outcome, the ERC has identified two program activities:

1. *Independent and impartial case review*
2. *Outreach and information dissemination*

Program Activity by Strategic Outcome

Program Activity #1: Independent and impartial case review					
2009-10 Financial Resources ($ thousands)			**2009-10 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
859	1,575	1,457	6	6	0

Expected Results	**Performance Indicators**	**Targets**	**Performance Status**	**Performance Summary**
Parties and RCMP Commissioner are provided with an independent review of the dispute to facilitate transparent and accountable dispute resolution.	Percentage of cases where findings and recommendations are issued.	100% of referred files, subject to Grievor's right to withdraw.	Met all	35 findings and recommendations were issued and no cases were withdrawn.

Expected Results	Performance Indicators	Targets	Performance Status	Performance Summary
A body of findings and recommend-ations is created to assist RCMP Level 1 Adjudicators, concerned parties, RCMP Commissioner and staff representatives to interpret legislation, regulations and policy.	Number of times legislative, regulatory or policy interpretative guidance provided in findings and recommendations.	As required	Met all	All reports were distributed widely and also appended to the growing knowledge base maintained in the ERC's common look and feel (CLF) compliant website.
Identification of areas for legislative, regulatory or policy change/clarification.	Number of recommendations for change/ clarification provided in findings and recommend-ations.	As required	Somewhat met	The number of times when this measure applied was statistically insignificant.

The ERC concludes matters referred to it by the RCMP either on the basis of the material in the record or following a hearing. In conducting its reviews, the ERC attempts to achieve timeliness and quality in its analysis and recommendations, and an equitable balance between all of the interested parties. It relies on the principles of administrative and labour law and it respects the remedial approach indicated by the *RCMP Act*. In each case, the ERC considers the public interest along with the members' interest in fair and equitable treatment.

The statutory mandate of the ERC in the *RCMP Act* is case review and it is in this respect that program activity 1 supports priority 1.

Benefits for Canadians

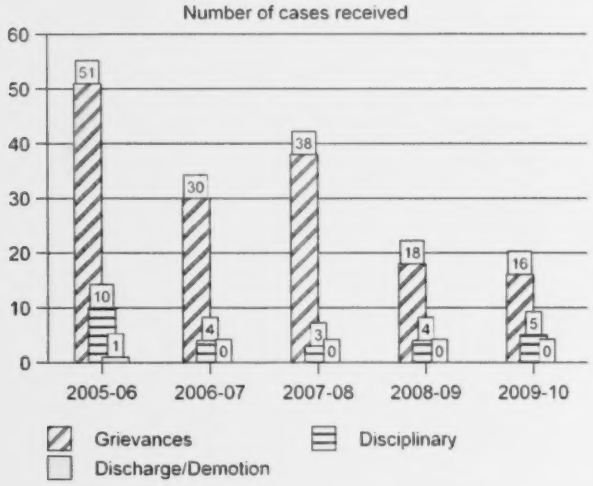
Canadians are served through the ERC's contribution to fair, transparent and accountable labour relations processes within the RCMP. Canadians, and the RCMP itself, are assured that RCMP members are treated as would be expected by Canadians whose tax revenues support Canada's national police force.

Performance Analysis

Case Review

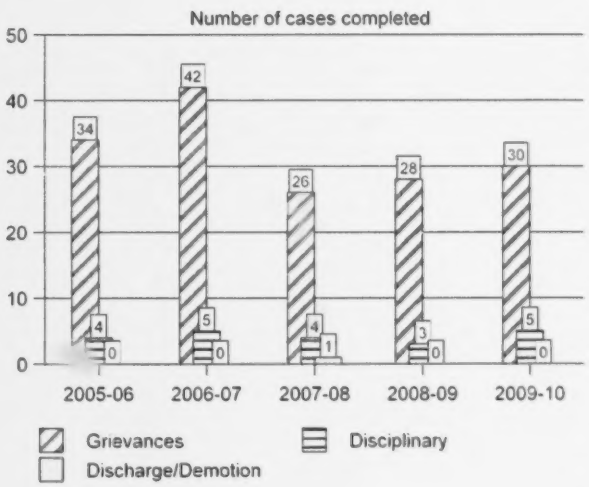
Referrals

Twenty-one cases were referred to ERC in 2009-10: 16 grievances and five disciplinary appeals. The ERC received no referrals of discharge and demotion appeals this past year.



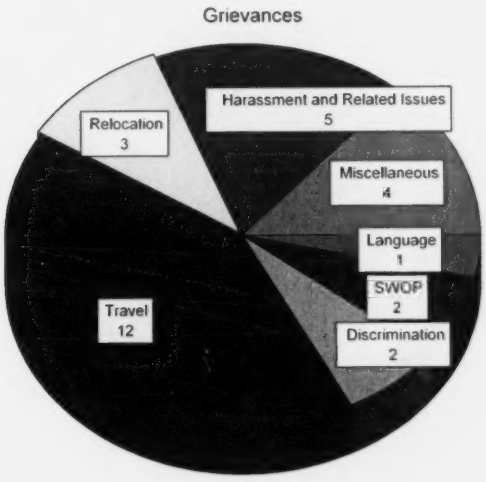
Cases Completed and Recommendations Issued

The ERC completed 35 cases in 2009-10: 29 regarding grievances and four regarding disciplinary appeals. Two cases were withdrawn by the member before the ERC issued its findings and recommendations. The ERC did not issue any findings and recommendations in discharge and demotion cases this past year.



Grievances

The chart below shows the distribution of this year's grievance recommendations by subject matter.



Over the course of several years, the ERC has taken steps to reduce the time to analyse each file and has managed to show appreciable improvement. However during the course of the year, the ERC raised the priority of its discipline files, specifically those in which the member was ordered to resign or be terminated. The volume of each of these type of cases and their complexity necessarily hampered the high performance ERC anticipated for the close of the year. While this emphasis was expected to result in the reduction in average per case performance, the effect was less than anticipated and the impact on other files was relatively minor. The ERC is convinced that despite this reduction in measurable performance the importance of these cases justified this decision.

At the start of 2009-10, 60 grievances and appeals were pending before the ERC, and at fiscal year end, there were 46 cases before the ERC for review. The cases were distributed as follows:

- 34 pending grievances; and
- 12 pending disciplinary appeals.

Other Activities

The ERC curtailed its in-person outreach activities to the extent that those requiring additional funding or the excess expenditure of human resources were omitted.

Lessons Learned

From this year's analysis the ERC determined that there can be some improvement in its performance measurement and has been working closely with the Treasury Board Secretariat to develop more meaningful measurements. As a result, the ERC will be seeking permission from Treasury Board for revisions to its Program Activity Architecture.

Program Activity #2: Outreach and information dissemination					
2009-10 Financial Resources ($ thousands)			**2009-10 Human Resources (FTEs)**		
Planned Spending	**Total Authorities**	**Actual Spending**	**Planned**	**Actual**	**Difference**
215	394	157	2	2	0

Expected Results	**Performance Indicators**	**Targets**	**Performance Status**	**Performance Summary**
Make available information to the public on labour relations issues within the RCMP to support accountability and transparency.	Subscription levels for quarterly *Communiqué*; subscription levels for annual report; website traffic; volume of requests for information.	ERC is committed to maintaining current levels	Exceeded	Subscription levels have remained constant and website traffic has increased more than anticipated.
Increase awareness of labour relations issues and resolutions within RCMP Policy.	Website access statistics; subscription and distribution data; number of requests for information; number of outreach events.	ERC is committed to maintaining current levels	Exceeded	Continued increases in website traffic indicate greater accessibility and increased awareness.

The ERC strives to make timely information accessible and achieved both its paper and electronic distribution targets as well as its digital posting targets. As a result, the utility and the credibility of its website holdings is progressively becoming better recognized.

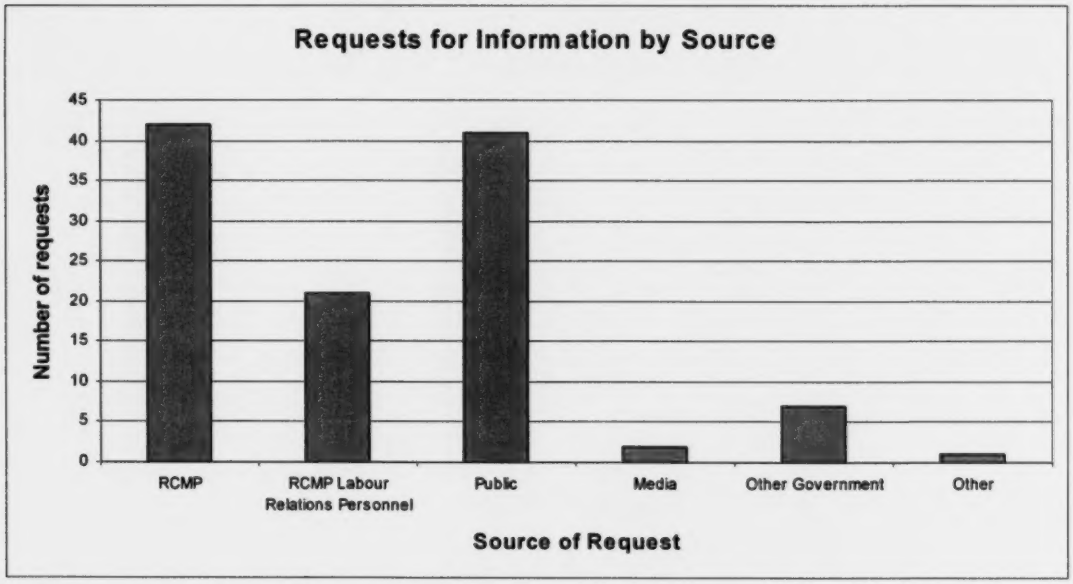
Summaries of the ERC's findings and recommendations in each case, as well as articles of interest, relevant legal principles and information on related issues, are distributed widely. Communication and outreach tools include: a quarterly publication (*Communiqué*); a website with inclusion of publications and case summaries; the Annual Report; and presentations, meetings, offered training and other outreach activities.

This part of the ERC's work is dedicated to program activity 2, and it directly supports priority 2.

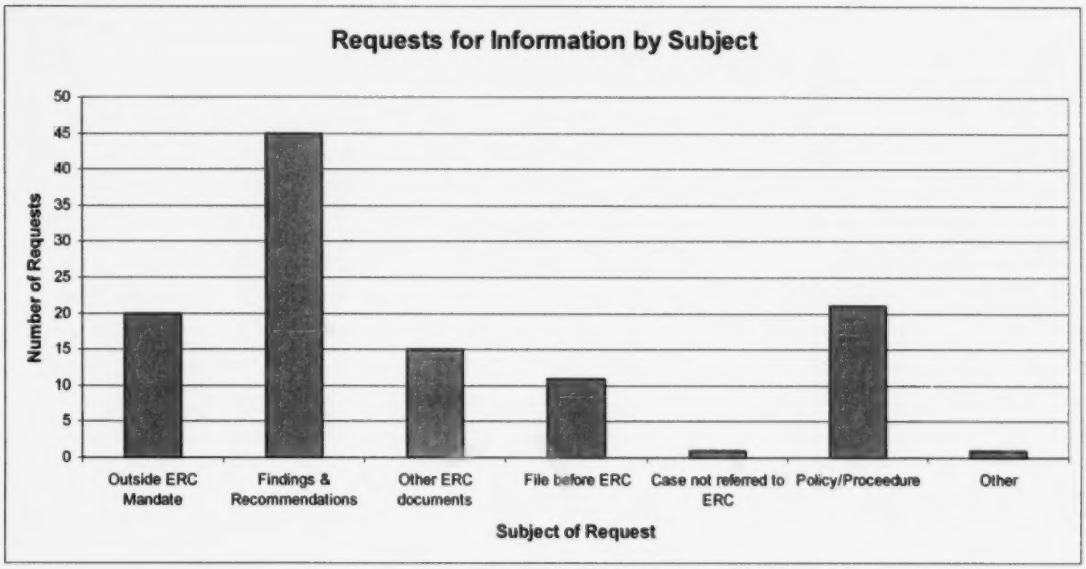
Performance Analysis

Requests for Information

In 2009-10, the ERC received a total of 114 requests for information. On average, the ERC provided an answer to each such request within two days. Over one third of the requests came from the RCMP and members of the public were the second largest group of requesters. The news media have seldom called upon the ERC for formal comment which is reflective of its recognition as an independent administrative tribunal.



The graph below illustrates the range of general categories of requests received. Several requests were straightforward and the requesters were given appropriate information and direction. However other requests were complicated and required more time and effort for a complete and accurate response. The preponderance of the median response time of one day indicates that a small number of complex inquiries were significantly time-consuming.



Lessons Learned

Given the ERC's priority for its case review function over its outreach and information dissemination, it has learned that the well-designed practical application of technology can effectively perpetuate and bolster such a function with the expenditure of relatively little additional resources. This was first determined in the previous reporting cycle and has been confirmed in this second year of assessing this particular activity. The ERC's efforts to investigate the benefits of the use of technology to disseminate information have been fruitful.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

($ thousands)

Condensed Statement of Financial Position At End of Year (March 31, 2010)			
	% of Change	**2009-10**	**2008-09***
Total Assets	(0.2)	93,729	93,933
Total Liabilities	4.2	254,967	244,764
Total Equity	(6.7)	(160,967)	(150,831)
Total	**(0.2)**	**93,729**	**93,933**

* During the year, the ERC adopted the revised Treasury Board accounting policy TBAS 1.2: Departmental and Agency Financial Statements which is effective for the ERC for the 2009-10 fiscal year. The major change in the accounting policies of the ERC required by the adoption of the revised TBAS 1.2 is the recording of amounts due from the Consolidated Revenue Fund as an asset on the Statement of Financial Position.

The adoption of the new Treasury Board accounting policies have been accounted for retroactively with the following impact on comparatives for 2008-09:

(in dollars)	**2009 As previously stated**	**Effects of changes**	**2009 restated**
Summary of Financial Position			
- Assets	$ 15,515	$ 78,419	$ 93,934
- Equity of Canada	$ (229,248)	$ 78,419	$ (150,831)

($ thousands)

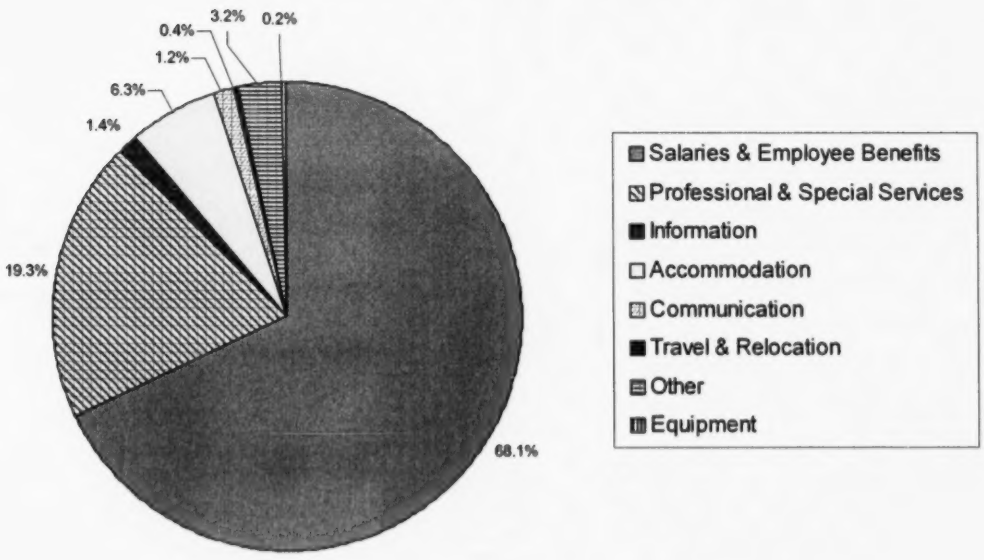
Condensed Statement of Financial Operations At End of Year (March 31, 2010)			
	% of Change	**2009-10**	**2008-09**
Total Expenses	14	1,757,240	1,542,148
Total Revenues	(100)	0	10
Net Cost of Operations	**14**	**1,757,240**	**1,542,138**

Financial Highlights Chart

($ thousands)

Financial Highlights		
At End of Year (March 31, 2010)	**2009-10**	**2008-09**
Salaries & employee benefits	1,196,506	1,101,677
Professional & special services	339,728	218,096
Accommodation	110,050	107,616
Equipment	3,281	29,257
Information	24,546	24,474
Communication	20,757	23,938
Travel & relocation	6,729	15,967
Utilities, material & supplies	13,319	11,862
Equipment rentals	28,510	5,738
Amortization	3,806	3,349
Settlement out of Court	10,000	0
Interest	8	0
Repairs	0	175
Total Expenses	**1,757,240**	**1,542,148**

Expenses - Where Funds Go



Note: Other (3.2%) includes expenses for utilities, material & supplies; equipment rentals; amortization; and repairs.

The ERC's expenditures are principally on its staff complement. The second largest budget component is for professional and special services made up of several small scale contracts for a variety of transactional support services that in large departments is normally furnished by full time equivalents. Given the small size of the ERC and its associated transactions in each of these areas, it is not possible to employ public servants to provide these specialized services in an ongoing efficient manner that builds internal capacity. Additionally, the graph illustrates that the bulk of temporary additional resources was expended for human resources as intended.

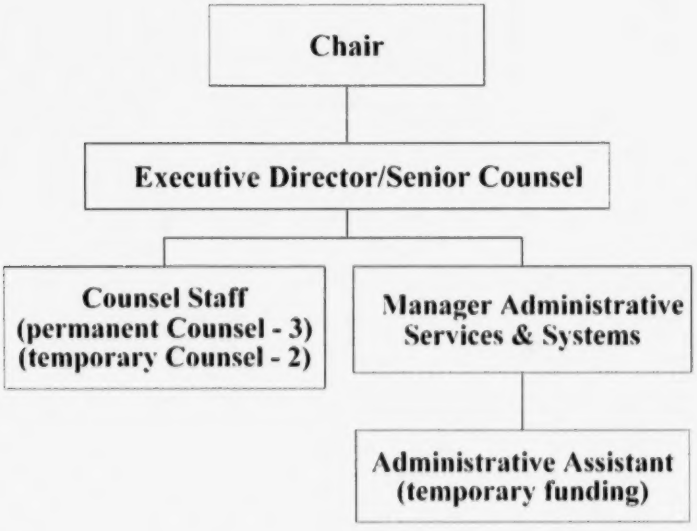
Financial Statements

The ERC's 2009-10 financial statements can be found on its website at www.erc-cee.gc.ca.

Other Items of Interest

Organizational Information

The ERC reports directly to Parliament through the Minister of Public Safety. The ERC has a single member, the Chair, who is appointed by Order in Council.



Resource Person

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